

Tobacco products: advertising and sponsorship by press, radio, television

1989/0194(COD) - 12/02/1998 - Council position

In its common position on the proposal for a directive relating to the advertising and sponsorship of tobacco products, the Council provides for a ban on all forms of advertising and sponsorship of tobacco products in the Community to be phased in under certain conditions. The spirit and structure of the Commission text has generally been maintained, apart from four basic changes: (1) Sponsorship: in line with Parliament's request, the common position explicitly bans all forms of sponsorship to promote tobacco products. (2) The specifications relating to indirect advertising (the use of trade marks, symbols or other distinctive features intended to promote tobacco products): while confirming the principle of a ban on all forms of advertising of tobacco products, the common position: - allows, under certain conditions, that a brand name already used in good faith both for tobacco products and for other goods or services traded prior to the date of publication of the directive, to be used for the advertising of those other goods or services, - provides that no tobacco product may bear the brand name, trade mark, emblem or etc. of any other product, unless the tobacco product has already been traded under that brand name before the date of transposition of the directive, - avoids any form of circumvention of the directive by banning advertising in respect of any product or service placed on the market as from the date of entry into force of the directive, by the use of brand names, trade marks etc. already used for a tobacco product, - bans the free distribution of tobacco products having the effect of promoting such products; (3) Exceptions to the ban on advertising (areas regulated at national level): these exceptions concern publications from third countries, communications between professionals in the tobacco trade and tobacco sales outlets (presentation of tobacco products offered for sale, indication of their prices etc.). (4) Particular conditions for implementation of certain provisions and monitoring of the directive: - the directive must be transposed into the laws of the Member States within three years of its publication in the Official Journal, - after this time, the Member States may delay for an additional year for advertising in the press and two years for sponsorship, - in exceptional cases and for duly justified reasons, Member States may continue to authorize the existing sponsorship of events or activities organized at world level for a further period of three years (in addition to the two years already mentioned), - all the provisions of the directive are applicable from 1 October 2006, - no later than three years after publication of the directive and subsequently every two years, the Commission is to draw up a report on the implementation and effects of the directive. Where appropriate, it shall submit proposals for new provisions to suit developments identified in the report. With regard to Parliament's amendments, apart from the amendment on sponsorship (not adopted by the Commission but adopted by the Council), the Council has included the substance of the amendment on advertising of products other than tobacco products marketed under the same brand name. It has also included Parliament's request for regular reports evaluating the directive.